

REMARKS

This paper is in response to the Office Action of April 9, 2007. The due date for response extends to July 9, 2007. The claims restricted out have been cancelled. The Applicants respectfully reserve the right to re-introduce the non-elected claims in later filed divisional applications, if so desired. The Applicants therefore acknowledge the election without traverse. New claims have been added directed to the same elected invention.

The Applicants have amended the claims to clarify the housing surface. In view of the clarifying amendments, the Applicants submit that the claims are now definite, and respectfully request the withdrawal of the Section 112, second paragraph rejection.

The parent application includes features found in the earlier application, including the conduits, the meniscus formation structure, the flat surfaces, and the like. Although the insert itself is not present in the parent CIP, the claim of priority shall extend to those features that are present in the currently pending claims. For this reason, the Applicant submit that the claim of priority, and the earlier claimed priority is proper. Only features not found in the parent application, however, as is common in CIP practice, shall be given assigned the new filing date of April 1, 2007.

Claims 1 and 3-8 were rejected under 35 USC Section 102(b) over 6,488,040 (deLarios). This rejection is traversed in view of the clarifying amendments. The claims are now more clearly directed toward the housing and insert features, which as claimed, are not taught be deLarios. The head of deLarios does not have a body that is configured to receive the process configuration insert. The head of deLarios was a single unit, and as such, does not anticipate the now amended claims nor added new claims. Accordingly, the Examiner is kindly requested to withdraw this Section 102 rejection.

Claims 1 & 3-8 were rejected under 35 USC Section 102(b) over 6,446,358 (Mitsumori). This rejection is traversed in view of the clarifying amendments. The claims now define the flat surface regions and the discrete conduits through the proximity face. It is

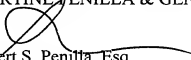
submitted that Mitsumori, based on the claim amendments and the features presented in the new claims, does not anticipate the claimed invention. Accordingly, the Examiner is kindly requested to withdraw this Section 102 rejection.

Claim 2 was rejected under 103(a). It is confirmed herein that the inventors of this application had a duty to assign to Lam Research Corporation, the same assignee of deLarios. Accordingly, this application qualifies for treatment under 35 USC § 103(c), and deLarios should be removed as a reference for this rejection. The remaining combination of Mitsumori and Chen (6,382,861), do not render the embodiment of claim 2, which depends from independent claim 1 obvious. Accordingly, the Examiner is requested to withdraw this Section 103 rejection.

A Notice of allowance is respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No LAM2P472). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Albert S. Penilla, Esq.
Reg. No. 39,487

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone: (408) 749-6900
Facsimile: (408) 749-6901